

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE EQUIFAX, INC. CUSTOMER
DATA SECURITY BREACH
LITIGATION

MDL DOCKET NO. 2800
1:17-md-2800-TWT

DECLARATION OF AMBER L. KIPFMILLER

I, Amber L. Kipfmiller, declare as follows:

1. I am over the age of twenty-one (21), and am competent in all respects to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct to the best of my belief.

2. I am an Associate at the law firm of Jones Walker LLP in Jackson, Mississippi. I represent Equifax Inc. (“Equifax”) in cases filed by eighty-three (83) Settlement Class Members (“Mississippi Plaintiffs”) in the Justice Court of Noxubee County, Mississippi (“Justice Court”). A chart listing the Mississippi Plaintiffs’ cases and related information is attached as Exhibit A.

3. All of the Mississippi Plaintiffs have filed individual lawsuits alleging that their personal information was impacted by the data security incident announced by Equifax on September 7, 2017 (“Data Breach”), asserting substantially identical claims against Equifax related to the Data Breach. Copies of the Mississippi Plaintiffs’ complaints are attached as Exhibit B.

4. All of the Mississippi Plaintiffs are represented by Jeffrey Hosford of the Hosford Law Firm located in Starkville, Mississippi.

5. None of the Mississippi Plaintiffs is listed on Exhibit A of the MDL Court's January 13, 2020 Final Order and Judgment (Dkt. No. 957, "Final Judgment"), which lists Settlement Class Members who submitted timely and valid requests to be excluded (or "opted out") from the MDL Consumer Class Action Settlement ("Settlement").

6. Accordingly, Equifax has to date filed motions to dismiss fifty-four (54) of the Mississippi Plaintiffs' cases in Justice Court. Among other things, Equifax's motions to dismiss argued that under Section 19 of the Final Judgment, the Mississippi Plaintiffs are barred and enjoined from pursuing claims related to the Data Breach that were released in the Settlement. A copy of a representative motion to dismiss that Equifax filed in Justice Court is attached as Exhibit C.

7. I also specifically referred to the Final Judgment and the Mississippi Plaintiffs' failure to submit valid exclusions at the hearings in Justice Court on June 23, 2020 and July 14, 2020.

8. Despite being informed that the Mississippi Plaintiffs' cases are barred and enjoined by the MDL Court's Final Judgment, Jeffrey Hosford, on behalf of the Mississippi Plaintiffs, has continued to pursue their claims against Equifax in Justice Court.

9. Additionally, I have on numerous occasions (including in filings and at court hearings) advised the judges overseeing the Mississippi Plaintiffs' cases that their claims are barred and enjoined by the MDL Court's Final Judgment. Nonetheless, the judges have allowed the Mississippi Plaintiffs' cases to proceed.

10. Thirty-one (31) of the Mississippi Plaintiffs have proceeded with non-jury trials and obtained judgments against Equifax for \$3,500 plus their filing fees (the jurisdictional maximum in Justice Court). A copy of a representative judgment is attached as Exhibit D. Equifax has appealed each of those judgments to the Circuit Court of Noxubee County, Mississippi.

11. Equifax has filed and argued a motion to stay the remaining Mississippi Plaintiffs' cases pending resolution of the appeals, a copy of which is attached as Exhibit E. The Justice Court judges have declined to grant a stay of any of the remaining cases.

12. The remaining fifty-two (52) Mississippi Plaintiffs' cases are currently set for hearing in Justice Court on September 22, 2020. *See* Exhibit A.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This, the 3rd day of September, 2020.

/s/ Amber L. Kipfmiller
AMBER L. KIPFMILLER